



April 4, 2003

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## ENGROSSED HOUSE BILL No. 1417

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DIGEST OF HB 1417 (Updated April 2, 2003 5:54 PM - DI 87)

**Citations Affected:** IC 36-2.

**Synopsis:** Autopsy of a child. Requires a county coroner to have an autopsy performed on the body of a child whose death is sudden and unexpected except in certain circumstances, including when the child's next of kin requests that an autopsy not be performed.

**Effective:** July 1, 2003.

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**Budak, Crawford, Lawson L,  
Becker**

(SENATE SPONSORS — LAWSON C, CLARK, ANTICH)

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January 14, 2003, read first time and referred to Committee on Human Affairs.  
February 10, 2003, reported — Do Pass.  
February 13, 2003, read second time, ordered engrossed. Engrossed.  
February 17, 2003, read third time, passed. Yeas 78, nays 14.

SENATE ACTION

February 24, 2003, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.  
April 3, 2003, reported favorably — Do Pass.

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EH 1417—LS 6510/DI 87+



April 4, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1417

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A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 36-2-14-6 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) Whenever the  
3 coroner is notified that a person in the county:  
4 (1) has died from violence;  
5 (2) has died by casualty;  
6 (3) has died when apparently in good health;  
7 (4) has died in an apparently suspicious, unusual, or unnatural  
8 manner; or  
9 (5) has been found dead;  
10 he shall, before the scene of the death is disturbed, notify a law  
11 enforcement agency having jurisdiction in that area. The agency shall  
12 assist the coroner in conducting an investigation of how the person died  
13 and a medical investigation of the cause of death.  
14 (b) The coroner shall file with the person in charge of interment a  
15 coroner's certificate of death within seventy-two (72) hours after being  
16 notified of the death. If the cause of death is not established with  
17 reasonable certainty within seventy-two (72) hours, the coroner shall

EH 1417—LS 6510/DI 87+



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1 file with the person in charge of interment a coroner's certificate of  
 2 death, with the cause of death designated as "deferred pending further  
 3 action". As soon as he determines the cause of death, the coroner shall  
 4 file a supplemental report indicating his exact findings with the local  
 5 health officer having jurisdiction, who shall make it part of his official  
 6 records.

7 (c) If this section applies, the body and the scene of death may not  
 8 be disturbed until the coroner has photographed them in the manner  
 9 that most fully discloses how the person died. However, a coroner or  
 10 law enforcement officer may order a body to be moved before  
 11 photographs are taken if the position or location of the body unduly  
 12 interferes with activities carried on where the body is found, but the  
 13 body may not be moved from the immediate area and must be moved  
 14 without substantially destroying or altering the evidence present.

15 (d) When acting under this section, if the coroner considers it  
 16 necessary to have an autopsy performed, **is required to perform an**  
 17 **autopsy under subsection (f)**, or is requested ~~to do so~~ by the  
 18 prosecuting attorney of the county **he to perform an autopsy, the**  
 19 **coroner** shall employ a physician:

20 (1) certified by the American board of pathology; or

21 (2) holding an unlimited license to practice medicine in Indiana  
 22 and acting under the direction of a physician certified by the  
 23 American board of pathology;

24 to perform the autopsy. The physician performing the autopsy shall be  
 25 paid a fee of at least fifty dollars (\$50) from the county treasury. A  
 26 coroner may employ the services of the medical examiner system,  
 27 provided for in IC 4-23-6-6, when an autopsy is required, as long as  
 28 this subsection is met.

29 (e) If:

30 (1) at the request of:

31 (A) the decedent's spouse;

32 (B) a child of the decedent, if the decedent does not have a  
 33 spouse;

34 (C) a parent of the decedent, if the decedent does not have a  
 35 spouse or children;

36 (D) a brother or sister of the decedent, if the decedent does not  
 37 have a spouse, children, or parents; or

38 (E) a grandparent of the decedent, if the decedent does not  
 39 have a spouse, children, parents, brothers, or sisters;

40 (2) in any death, where two (2) or more witnesses who  
 41 corroborate the circumstances surrounding death are present; and

42 (3) two (2) physicians who are licensed to practice medicine in

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1           the state and who have made separate examinations of the  
2           decedent certify the same cause of death in an affidavit within  
3           twenty-four (24) hours after death;  
4           an autopsy need not be performed. The affidavits shall be filed with the  
5           circuit court clerk.

6           **(f) A county coroner may not certify the cause of death in the**  
7           **case of the sudden and unexpected death of a child who is at least**  
8           **one (1) week old and not more than three (3) years old unless an**  
9           **autopsy is performed at county expense. However, a coroner may**  
10          **certify the cause of death of a child described in this subsection**  
11          **without the performance of an autopsy if subsection (e) applies to**  
12          **the death of the child.**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1417, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

SUMMERS, Chair

Committee Vote: yeas 10, nays 0.

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EH 1417—LS 6510/DI 87+



## COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred House Bill No. 1417, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1417 as printed February 11, 2003.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 7, Nays 1.

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EH 1417—LS 6510/DI 87+

